

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11	UNITED STATES OF AMERICA,)	No. CR 09-00641 SBA
12	Plaintiff,)	ORDER GRANTING STIPULATED
13	v.)	REQUEST TO CONTINUE HEARING
14	GARY MUSCADINE,)	DATE TO OCTOBER 20, 2009 AND TO
15	Defendant.)	EXCLUDE TIME UNDER THE SPEEDY
16)	TRIAL ACT
17)	Date: September 22, 2009
)	Time: 9:00 a.m.
)	Court: Hon. Saundra Brown
)	Armstrong

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19 The parties jointly requested that the hearing in this matter be continued from September
20 22, 2009 to October 20, 2009, and that time be excluded under the Speedy Trial Act between
21 September 22, 2009 and October 20, 2009 to allow for the effective preparation of counsel,
22 taking into account the exercise of due diligence, and continuity of defense counsel. The
23 government has produced discovery and defense counsel has been reviewing that discovery. In
24 addition, the parties are seeking to arrange a time when the defense can view the physical
25 evidence collected in this case. The defense needs additional time to review discovery, perform
26 investigation, and discuss the case with the defendant. Defense counsel will be commencing a
27 three week trial on September 28, 2009. For these stated reasons, the Court finds that the ends of
28 justice served by granting the continuance outweigh the best interests of the public and defendant

STIP. REQ. TO CONTINUE HEARING DATE TO OCTOBER 20, 2009 AND TO EXCLUDE TIME
No. CR-09-00641 SBA

1 in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A)
2 and (B)(iv),

3 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
4 September 22, 2009 to October 20, 2009 at 9:00 a.m., and that time between September 22, 2009
5 and October 20, 2009 is excluded under the Speedy Trial Act to allow for the effective
6 preparation of counsel, taking into account the exercise of due diligence, and continuity of
7 defense counsel.

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9 DATED: 9/22/09
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11 HON. SAUNDRA BROWN ARMSTRONG
12 United States District Judge
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